

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,	)	U.S.C.A. No. 11-50107
	)	U.S.D.C. No. 10cr1805-JAH
Plaintiff-Appellee,)	
	)	UNOPPOSED
v.	)	MOTION TO EXTEND
	)	TIME TO FILE
	)	OPENING BRIEF
)	
DANIEL EDWARD CHOVAN,)	
)	
Defendant-Appellant.)	
_____)	

Daniel Edward Chovan, the defendant-appellant in this case, by and through counsel, Devin Burstein and Federal Defenders of San Diego, Inc., pursuant to Fed. R. App. P. 26(b), 40(a)(1), and 9th Cir. Rule 31-2.2(b) and for the reasons set forth in the attached Declaration of Counsel, respectfully moves, unopposed, to extend the time to file the opening brief from **June 21, 2011**, until **July 21, 2011**.

Respectfully submitted,

Dated: June 10, 2011

s/ Devin Burstein
DEVIN BURSTEIN
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, CA 92101
Telephone: (619) 234-8467

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UNITED STATES OF AMERICA,)	U.S.C.A. No. 11-50107
)	U.S.D.C. No. 10-cr-1805-JAH
Plaintiff-Appellee,)	
	)	DECLARATION OF
	)	COUNSEL IN SUPPORT OF
	)	MOTION TO EXTEND TIME
v.	)	TO FILE OPENING BRIEF
)	
DANIEL EDWARD CHOVAN,)	
)	
Defendant-Appellant.)	
_____)	

I, Devin Burstein, declare,

1. I am an attorney licensed to practice law in the State of California, the United States District Court for the Southern District of California, and the United States Court of Appeals for the Ninth Circuit.
2. Federal Defenders of San Diego, Inc., was appointed by the United States District Court for the Southern District of California to represent Defendant-Appellant, Daniel Edward Chovan, at the district court and on appeal. I am an employee of Federal Defenders of San Diego, Inc., and in such capacity, I am representing him on appeal.
3. Mr. Chovan is currently out of custody. He is serving a five-year probationary sentence, following a conviction for being a prohibited

person in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(9) and 924(a)(2).

4. Having begun work on this appeal, I believe there are several important, novel constitutional issues involved. Thus, I am requesting a one-month extension to further research the issues and prepare an opening brief.
5. I am also requesting this extension because I have several other impending deadlines with this Court.
6. I believe that no prejudice will arise if this motion is granted.
7. The court reporter is not in default with regard to any of the designated transcripts.
8. I have discussed the matter with the assigned Assistant United States Attorney, Caroline Han, and she has no objection to this motion.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed this 10th day of June, 2011, in San Diego, California.

s/ Devin Burstein

Devin Burstein
Declarant

**Certificate of Service When Not All Case Participants Are CM/ECF
Participants**

I hereby certify that on June 10, 2011, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days, to the following non-CM/ECF participants:

s/ Devin Burstein